

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ADC Telecommunication, Inc., and)	Civil Action No.
Fiber Optic Network Solutions)	_____
Corp.,)	
Plaintiffs,)	Judge: _____
v.)	Mag. Judge: _____
AFL Telecommunications LLC,)	Jury Trial Demanded
Defendant.)	Pat. # 7,233,731
	7,277,620
	7,200,317

Complaint

This is a complaint for patent infringement. Plaintiffs, ADC Telecommunications, Inc. ("ADC") and Fiber Optic Network Solutions Corp. ("FONS"), for their Complaint, state as follows:

1. Plaintiff ADC is a corporation organized and existing under the laws of Minnesota and has a principal place of business at 13625 Technology Drive, Eden Prairie, Minnesota 55344.
2. Plaintiff FONS is a corporation organized and existing under the laws of Massachusetts with a principal place of business at 140 Locke Drive, Suite B, Marlborough, Massachusetts 01752.
3. FONS is a wholly owned subsidiary of ADC.

4. Upon information and belief, Defendant, AFL Telecommunications LLC ("AFL"), is a Delaware limited liability company having a principal place of business at 170 Ridgeview Circle, Duncan, South Carolina 29334.

Jurisdiction

5. This action includes counts for patent infringement under the patent laws of the United States, 35 U.S.C. § 271.
6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

Count I

Claim for Patent Infringement of U.S. Patent No. 7,233,731

7. Paragraphs 1–6 are incorporated into this count by reference.
8. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,233,731 ("the '731 patent") which duly and legally issued to ADC on June 19, 2007.
9. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

10. Defendant AFL makes and sells fiber distribution products, including without limitation the Future Access™ FDH-100 Fiber Distribution Hub, that are covered by the '731 patent, and by its actions relating to such fiber distribution products, including the sale and manufacture thereof, Defendant AFL has infringed and continues to infringe the '731 patent and will continue to do so unless enjoined by this Court.

11. ADC has been damaged by Defendant AFL's infringement of the '731 patent and will continue to be damages in the future unless Defendant AFL is enjoined from infringing the '731 patent.

Count II

Claim for Patent Infringement of U.S. Patent No. 7,277,620

12. Paragraphs 1–6 are incorporated into this count by reference.

13. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,277,620 ("the '620 patent") which duly and legally issued to ADC on June 19, 2007.

14. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

15. Defendant AFL makes and sells splitter modules, including without limitation Future Access™ Splitter Modules, that are covered by the '620 patent, and by its actions relating to such splitter modules, including the sale and manufacture thereof, Defendant AFL has infringed and continues to infringe the '620 patent and will continue to do so unless enjoined by this Court.

16. ADC has been damaged by Defendant AFL's infringement of the '620 patent and will continue to be damaged in the future unless Defendant AFL is enjoined from infringing the '620 patent.

Count III

Claim for Patent Infringement of U.S. Patent No. 7,200,317

17. Paragraphs 1–6 are incorporated into this count by reference.

18. FONS is the owner of the entire right, title, and interest in and to United States Patent No. 7,200,317 ("the '317 patent") which duly and legally issued to FONS on April, 2007.

19. FONS has satisfied the notice or marking provisions of 35 U.S.C. § 287.

20. Defendant AFL makes and sells fiber distribution products, including without limitation the Future Access™ FDH-100 Fiber Distribution Hub, that are covered by the '317 patent, and by its actions relating to such fiber distribution products, including the sale and manufacture thereof, Defendant AFL has infringed and continues to infringe the '317 patent and will continue to do so unless enjoined by this Court.

21. FONS has been damaged by Defendant AFL's infringement of the '317 patent and will continue to be damages in the future unless Defendant AFL is enjoined from infringing the '317 patent.

Demand for Relief

ADC and FONS respectfully demand the following relief:

- a. A judgment that Defendant AFL has infringed the '731 patent;
- b. Both preliminary and permanent injunctions enjoining and restraining Defendant AFL, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '731 patent;
- c. A judgment that Defendant AFL has infringed the '620 patent;

- d. Both preliminary and permanent injunctions enjoining and restraining Defendant AFL, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '620 patent;
- e. A judgment that Defendant AFL has infringed the '317 patent;
- f. Both preliminary and permanent injunctions enjoining and restraining Defendant AFL, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '317 patent;
- g. A judgment and order requiring Defendant AFL to pay all appropriate damages under 35 U.S.C. § 284, including treble damages if any of the infringements is determined to be willful;
- h. A judgment and order requiring Defendant AFL to pay the costs of this action, including all disbursements and attorney fees, if this case is exceptional as provided by 35 U.S.C. § 285; and
- i. Such other and further relief that this Court may deem just and equitable.

Demand for Jury Trial

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs
ADC Telecommunications, Inc. and Fiber Optic Network Solutions Corp.
demand a trial by jury of all issues so triable.

Dated: June 13, 2008

**ADC Telecommunications, Inc., and
Fiber Optic Network Solutions Corp.,**

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